

Message Text

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ORIGIN ERDA-07

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FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

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E.O. 11652:N/A

TAGS: TECH

SUBJECT: ERDA/FMRT FAST BREEDER AGREEMENT

1. IN LIGHT OF ANNOUNCEMENT BY FRG AND FRANCE TO COOPERATE IN BREEDER AND HIGH TEMPERATURE REACTOR FIELDS, USG HAS REVIEWED DRAFT ERDA/FMRT LMFBR AND HTR AGREEMENTS REGARDING PROVISIONS GOVERNING TRANSFER OF PROPRIETARY INFORMATION TO THIRD COUNTRIES.

2. ABOVE SUBJECT WAS DISCUSSED MARCH 26 AT GERMANTOWN DURING MEETING OF ERDA STAFF AND HAGEN OF FMRT AND WIENDIECK OF FRG EMBASSY. HAGEN'S VIEW ON GERMAN/FRENCH AGREEMENT FOLLOW:

A. MEMO OF UNDERSTANDING SIGNED. ARRANGEMENTS FOR INDUSTRIAL COOPERATION ARE STILL TO BE RESOLVED.

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B. FRENCH INTERESTED IN HTRS AS AN ALTERNATIVE TO LWRS.

C. UNDER TERMS OF THE AGREEMENT, TRANSFER OF DATA TO THIRD COUNTRIES IS CONTROLLED. LIMITATIONS CAN BE IMPOSED IN BILATERAL AGREEMENTS TO REQUIRE APPROVAL OF THE DATA-GENERATING PARTY BEFORE DATA TRANSFER CAN BE MADE TO THIRD COUNTRIES. THEREFORE, RECYCLE DATA SUPPLIED BY US TO FRG CAN BE CONTROLLED AND DATA TRANSFERRAL TO FRANCE PROHIBITED UNLESS APPROVED BY US.

3. AS RESULT OF REVIEW, AND IN LIGHT OF HAGEN'S COMMENTS, ERDA PROPOSES TO AMEND ARTICLE 7 OF ERDA/FMRT FAST BREEDER AGREEMENT AS FOLLOWS:

A. PARAGRAPH 5, LAST SENTENCE, TO READ: "ITS DISSEMINATION WILL, UNLESS OTHERWISE MUTUALLY AGREED, BE LIMITED AS FOLLOWS:

B. PARAGRAPH 5.B., SECOND LINE, TO READ: "ONLY WITHIN THE TERRITORY OF THE RECEIVING PARTY AND WITHIN THE FRAMEWORK OF ITS CONTRACT(S) WITH THE RESPECTIVE".

4. EMBASSY REQUESTED TO INFORM FMRT OF ABOVE SUGGESTED CHANGES, GIVING RATIONALE THAT IT HAS ALWAYS BEEN ERDA'S INTENT TO RESTRICT DISTRIBUTION OF PROPRIETARY INFORMATION WITHIN THE RECEIVING COUNTRY UNLESS OTHERWISE MUTUALLY AGREED. PURPOSE OF REVISED LANGUAGE IS TO CLARIFY THIS INTENT, IN LIGHT OF RECENTLY ANNOUNCED FRG-FRENCH AGREEMENT TO COOPERATE IN BREEDER AND HIGH TEMPERATURE REACTOR FIELDS.

5. WE WOULD APPRECIATE FMRT'S COMMENTS ON ABOVE SUGGESTED CHANGES.

6. ERDA/CEA GENERAL NUCLEAR AGREEMENT CURRENTLY UNDER REVIEW REGARDING PROVISIONS GOVERNING TRANSFER OF PROPRIETARY INFORMATION TO THIRD COUNTRIES. RESULTS WILL BE TRANSMITTED UPON COMPLETION OF REVIEW.

7. EFFORTS SHOULD BE MADE BY EMBASSY BONN TO OBTAIN FRG'S AGREEMENT TO CONCLUDE THE SUBJECT AGREEMENT AS LIMITED OFFICIAL USE

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